

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**RECEIVED  
CENTRAL FAX CENTER**

**Applicant:** Mark W. Kroll  
**Serial No.:** 10/087,404                   **Examiner:** F. Oropeza  
**Filed:** 02/26/2002                   **Art Unit:** 3762  
**Docket No.:** SJ1-029US  
**For:** SYMPATHETIC NERVE STIMULATOR AND/OR PACEMAKER

OCT 06 2004

## **RESPONSE TO RESTRICTION REQUIREMENT**

**Mail Stop Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on:

October 6, 2004

Estella Pinero

---

Date \_\_\_\_\_

Sir.

In the Office Action, mailed September 30, 2004, the Examiner has identified four patentably distinct species, and required Applicant to elect one species. Applicant hereby elects the third species, corresponding to Figure 10. The claims readable upon that species are Claims 1-9, 13-20, 33-41, 45 and 46. Upon allowance of Claims 1 and 33, consideration of non-elected claims 10-12 and 42-44 is requested.

This election is made without traverse.

Respectfully submitted,

10|6|04

Date \_\_\_\_\_

Denk' ich

Derrick W. Reed  
Registration No. 40,138  
Attorney for Applicant(s)

**CUSTOMER NUMBER: 36802**

## TELECOPIER COVER SHEET

October 6, 2004

RECEIVED  
CENTRAL FAX CENTER  
OCT 06 2004

To: Assistant Commissioner for Patents	From: Derrick W. Reed Reg. No. 40,138 818/493-2200
Attention:  Examiner: F. Oropeza Art Unit: 3762 TECHNOLOGY CENTER 3700	ST. JUDE MEDICAL CRMD 15900 Valley View Court Sylmar, California 91392-9221
Telecopier: 703/872-9306	Telecopier: 818/362-4795
RE: Response to Restriction Requirement  Applic. No. 10/087,404 Filed: 02/26/2002 Docket No. SJ1-029US	Number of pages being sent: <u>4</u> (including cover page)

PLEASE DELIVER TO EXAMINER FRANCES P. OROPEZA, Art Unit 3762.

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE AND THOSE PROPERLY ENTITLED TO ACCESS TO THE INFORMATION AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND/OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS TRANSMISSION IS NOT THE INTENDED OR AN AUTHORIZED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY UNAUTHORIZED DISTRIBUTION, DISSEMINATION, OR DUPLICATION OF THIS TRANSMISSION IS PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE OR FACSIMILE. THANK YOU!

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** Mark W. Kroll  
**Serial No.:** 10/087,404      **Examiner:** F. Oropeza  
**Filed:** 02/26/2002      **Art Unit:** 3762  
**Docket No.:** SJ1-029US  
**For:** SYMPATHETIC NERVE STIMULATOR AND/OR PACEMAKER

**RECEIVED**  
**CENTRAL FAX CENTER**  
**OCT 06 2004**

TRANSMITTAL LETTER, FEE AND CERTIFICATE OF MAILING

Mail Stop Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith for filing are the following documents:

Response to Restriction Requirement  
 Transmittal Letter, Fee and Cert. of Mailing

CALCULATION OF FEES\$					
ITEM		NO. OF CLAIMS REMAINING AFTER AMENDMENT	NO. OF CLAIMS PREVIOUSLY PAID FOR	ADD'L CLAIM\$ FILED	LARGE ENTITY FEE
A	TOTAL CLAIMS FEE	28	48	0	X \$18
B	INDEPENDENT CLAIMS FEE**	4	8	0	X \$88
C	MULTIPLE- DEPENDENT			0	X \$300
D	EXTENSION OF TIME FEE — 1-mon: \$110; 2-mon: \$430; 3-mon: \$980; 4-mon: \$1,530; 5-mon: \$2,080				0
E	ADDITIONAL FEES (i.e., Surcharge – Late Fee- Declaration; Petitions; Information Disclosure Statement; Terminal Disclaimer, etc.)  Specify:				
F	<b>TOTAL ADDITIONAL FEE**</b> (ADD TOTALS FOR LINES A,B,C,D, and E)				\$ 0**

Charge Deposit Account No. 16-0068  
the amount of **\$0\*\***      A copy of this letter is enclosed.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0068

Any additional filing fees required under 37 CFR 1.16.

Any patent application processing fees under 37 CFR 1.17.

The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0068

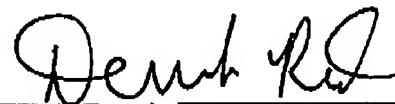
Any patent application processing fees under 37 CFR 1.17.

Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

Date:

10/6/04

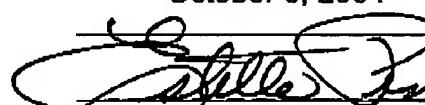


Derrick W. Reed, Attorney for Applicants  
Reg. No. 40,138

**CUSTOMER NUMBER: 36802**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on:

October 6, 2004

  
Estella Pinelro

Date